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EXAMINER

ADDY, ANTHONY S

ART UNIT PAPER NUMBER

2681

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/062,642

**Applicant(s)**

NAVARRO, RANDY

**Examiner**

Anthony S Addy

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

#### ***Claim Rejections - 35 USC § 102***

2. Claims 1-6, 8-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by **Stevens, U.S. Patent Number 6,745,021**.

Regarding claim 1, Stevens discloses a method of distributing an emergency message (see col. 1, lines 49-54 and col. 1, lines 62-66) comprising: determining a geographical area affected by the emergency message (see col. 1, lines 54-62); selecting one or more mobile stations within the geographical area that may be potentially affected by the emergency message (see col. 1, lines 62-67, col. 2, lines 27-42 and Fig. 1; where a mobile stations in geographical area 108 affected by an emergency situation is shown); and transmitting the emergency message to the

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potentially affected mobile stations within the geographical area (see col. 2, lines 43-55).

Regarding claim 2, Stevens discloses all the limitations of claim 1. In addition, Stevens teaches a method of transferring the emergency message to one or more base stations which service the affected geographic area (see col. 2, lines 43-51 and Fig. 1; where cells 110a-110e are shown in the troubled geographical area 108).

Regarding claim 3, Stevens discloses all the limitations of claim 2. In addition, Stevens teaches a method of entering the emergency mode (see col. 6, lines 60-66 and Fig. 4; where in step 402, controller receives emergency situation information, thus entering an emergency mode) for each of the base stations receiving the emergency message (see col. 7, lines, 15-25).

Regarding claim 4, Stevens discloses all the limitations of claim 3. In addition, Stevens teaches a method of inherently transmitting the emergency message from the base stations in the emergency mode to the mobile stations (see col. 7, lines 26-50). It is inherent the notification messages sent to the mobile subscriber goes through a base station.

Regarding claim 5, Stevens discloses all the limitations of claim 1. In addition, Stevens teaches a method of alerting the user when the mobile station receives an emergency message (see col. 6, lines 53-58).

Regarding claim 6, Stevens discloses all the limitations of claim 1. In addition, Stevens teaches a method of transmitting the emergency message using the short messaging service (SMS) (see col. 4, lines 50-55 and col. 7, lines 46-50).

Regarding claim 8, Stevens discloses a wireless communication system (see Figs. 3; where an embodiment of the system 100 is shown) comprising: a server (see col. 5, line 14 and Fig. 3; where a location based server 122 is shown) which communicates with a warning service (see col. 2, lines 26-30 and Fig. 1; where an emergency warning system 102 is shown); a plurality of base stations which interface with the server (see col. 3, lines 34-31), the server transferring the emergency message to any of the plurality of base stations which service the affected geographic region (see col. 3, lines 31-48); and at least one mobile station which communicates with one or more of the plurality of base stations (see col. 3, lines 40-45); wherein the position of the at least one mobile station is determined and compared to the affected geographic region (see col. 3, line 49 through col. 4, line 7), the emergency message being transmitted from one of the plurality of base stations to the at least one mobile station if the position is within the affected region (see col. 4, lines 9-16).

Regarding claim 9, Stevens discloses all the limitations of claim 8. In addition, Stevens teaches a wireless communication system, wherein the mobile station alerts the user upon receipt of the emergency message (see col. 6, lines 53-58).

Regarding claim 10, Stevens discloses all the limitations of claim 8. In addition, Stevens teaches a wireless communication system, wherein the base station transmits the emergency message using the short messaging service (see col. 4, lines 50-55 and col. 7, lines 46-50).

Regarding claim 12, Stevens discloses all the limitations of claim 8. In addition, Stevens teaches a wireless communication system, wherein the server decodes the emergency message (see col. 4, lines 9-16).

***Claim Rejections - 35 USC § 103***

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stevens U.S. Patent Number 6,745,021**, as applied to claim 6 above, and further in view of **Sharma U.S. Patent Number 6,766,163**.

Regarding claim 7, Stevens teaches all the limitations of claim 6. Stevens does not teach a method, comprising transmitting the SMS using the wireless application protocol.

Sharma, however, discloses a wireless application protocol (WAP) server (see col. 4, lines 9-16), which communicates with a radio base station through a cellular network (see col. 4, lines 17-19) and sends portions of the teletext message to the base station according to subscriber specified requests (see col. 4, lines 24-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and system of displaying teletext information on mobile devices as taught by Sharma, to the method for alerting mobile subscribers about emergency situations of Stevens to include the wireless application protocol to enable a mobile telephone to communicate in both a circuit-switched mode or a packet-switched mode, thus allowing a cellular subscriber to have access to both voice and data communication services.

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4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stevens U.S. Patent Number 6,745,021**, as applied to claim 8 above, and further in view of **Anttila et al., U.S. Patent Number 6,721,542 (hereafter Anttila)**.

Regarding claim 11, Stevens teaches all the limitations of claim 8. Stevens does not teach a wireless communication system, wherein the base station transmits the emergency message using a high priority.

Anttila, however, discloses a system in which different mobile stations can negotiate their priority (or pecking order) on the basis of other mobile stations in the area (see col. 6, lines 33-35) and to avoid burdening a wireless system during an emergency situation, some mobile stations may be directed to switch off when in the presence of a higher priority mobile station (see col. 6, lines 36-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the high priority feature when in an emergency situation as taught by Anttila, for the system for alerting mobile subscribers about emergency situations of Stevens to curtail the current system functionality of the mobile station.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pinder, U.S. Patent Number 6,112,074 discloses a radio communication system with automatic geographic event.

Tate, U.S. Patent Number 6,509,833 discloses a method and system for providing a warning alert.

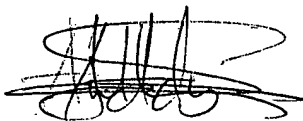
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Lamb, U.S. Patent Number 6,617,964 discloses an apparatus and method for providing weather and other alerts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S Addy whose telephone number is 703-305-8487. The examiner can normally be reached on Mon-Fri 8:00am-4: 30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy  
August 3, 2004

  
ERIKA CARY  
PATENT EXAMINER